

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED-ED4

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CLERK JN
U.S. DISTRICT COURT

ALEJANDRA SANCHEZ individually,
ALEJANDRA VAZQUEZ individually,
and VIRGILIO VELEZ individually,
and on behalf of a class of employees
similarly situated and ALEJANDRA
SANCHEZ, ALEJANDRA VAZQUEZ,
and VIRGILIO VELEZ all individually
as to Count III and IV,

Plaintiffs,

v.

STAMPEDE MEAT, INC.,
an Illinois corporation, and
EDWARD LIGAS, individually,

Defendants.

DOCKETED
AUG 02 2002

JUDGE NORDBERG

02C 5452
MAGISTRATE JUDGE MASON

Case No. _____

DOCKETED
AUG 02 2002

NOTICE OF REMOVAL

Stampede Meat, Inc. and Edward Ligas, through their attorneys, hereby submit their
Notice of Removal and state as follows:

1. On or about July 8, 2002, Stampede Meat, Inc. ("Stampede") received a copy of a
complaint for a civil action filed in the Circuit Court of Cook County, Illinois, Case No. 02 CH
12303 ("State Court Action").
2. This Notice of Removal is filed in the United States District Court for the
Northern District of Illinois within the time permitted for removal of civil actions. *See* 28 U.S.C.
§ 1446(b). The documents attached as Exhibit A constitute all of the process and pleadings
served in this action to date. *See* 28 U.S.C. § 1446(a).

3. The United States District Court for the Northern District of Illinois is the district court having jurisdiction over the place where the State Court Action is pending.

4. The Plaintiffs' Complaint in the State Court Action alleges violations of the Fair Labor Standards Act, 29 U.S.C. § 200 *et seq.*

5. Based on the Plaintiffs' Complaint in the State Court Action, the district courts of the United States have original jurisdiction over this action on the grounds that the claim arises under the laws of the United States. *See* 28 U.S.C. § 1441(b).

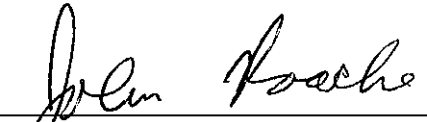
6. A copy of this Notice of Removal was simultaneously filed with the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, STAMPEDE MEAT, INC. and EDWARD LIGAS hereby remove this action to the United States District Court for the Northern District of Illinois.

Dated: August 1, 2002

Respectfully submitted,

STAMPEDE MEAT, INC. and
EDWARD LIGAS

By: 
One of their Attorneys

Michael E. Barry
Alan S. King
John T. Roache
Jamie M. Haberichter
Gardner, Carton & Douglas
321 N. Clark Street
Suite 3400
Chicago, IL 60610-4795
312-644-3000
Firm I.D. No. 90304

CERTIFICATE OF SERVICE

I, Jamie M. Haberichter, an attorney in the law firm of Gardner, Carton & Douglas, certify that I caused a copy of the Notice of Removal to be sent:

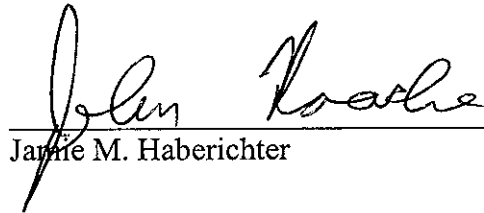
via messenger to

Jac A. Cotiguala
Jac A. Cotiguala & Associates
30 N. LaSalle St., Suite 1724
Chicago, IL 60604

and *via* U.S. mail to

Caffarelli & Siegel, Ltd.
205 W. Wacker Dr., Suite 500
Chicago, IL 60606

on this 1st day of August, 2002.



Jamie M. Haberichter

EXHIBIT A

Attorney Code No. 18353

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

ALEJANDRA SANCHEZ individually,)
ALEJANDRA VAZQUEZ individually,)
and VIRGILIO VELEZ individually,)
and on behalf of a class of employees)
similarly situated and ALEJANDRA)
SANCHEZ, ALEJANDRA VAZQUEZ,)
and VIRGILIO VELEZ all individually)
as to Count III and IV,)

Plaintiffs,)

v.)

STAMPEDE MEAT, INC.,)
an Illinois corporation, and)
EDWARD LIGAS, individually,)

Defendants.)

Case No.

02CH12303

**CLASS ACTION COMPLAINT IN CHANCERY FOR INJUNCTION,
ACCOUNTING AND JUDGMENT FOR BACK OVERTIME WAGES**

NOW COME the plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ, pursuant to 735 ILCS 5/2-801 *et seq.* class actions; 820 ILCS 115/1 *et seq.*, commonly known as the Wage Payment and Collection Act; 820 ILCS 105/1 *et seq.*, commonly known as the Illinois Minimum Wage Act; and 29 U.S.C. § 200 *et seq.*, commonly known as the Fair Labor Standards Act, by and through their attorneys, JAC A. COTIGUALA & ASSOCIATES, and CAFFARELLI & SIEGEL Ltd. and in support of their complaint, state as follows:

COUNT I – ILLINOIS MINIMUM WAGE ACT

1. That the plaintiffs ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ individually and as class representatives of the class they wish to represent are hourly paid employees who are due, and who have not been paid for all hours worked including overtime wages under the maximum hours provisions of the Illinois Minimum Wage Act, 820 ILCS 105/1 *et seq.* from June 1, 1998 to the present.

2. That each of the plaintiffs was, or still is, employed by STAMPEDE MEAT, INC. ("STAMPEDE"), a corporation duly organized and existing under the laws of the State of Illinois.

3. That defendant, STAMPEDE, is subject to the provisions of said laws and is an employer within the meaning of the Illinois Minimum Wage Act, and maintains its registered office in the County of Cook at 321 N. Clark St., Suite 3400, Chicago, Illinois.

4. On information and belief, plaintiffs claim that the plants of STAMPEDE are also in Chicago, Illinois.

5. That defendant, EDWARD LIGAS ("LIGAS"), is an employer of plaintiffs within the meaning of the Illinois Minimum Wage Act in that among many other things he controls how many hours plaintiffs worked, whether plaintiffs were paid for all hours worked and whether they were paid time and one-half their regular rate of pay for hours worked in excess of forty (40) in a week.

6. All of the Plaintiffs reside in Chicago, Illinois.

7. Defendants are in the business of meat cutting in Chicago, Illinois.

8. Plaintiffs are not paid for all time worked including the donning and doffing of required safety equipment and work clothes and the time associated with

obtaining said equipment in the morning, cleaning it at night and returning it. In the morning plaintiffs wait in line to obtain the safety equipment and work clothes from the company. Upon receiving said equipment they put it on and then wait in line to punch in. Converse at the end of their recognized work period they punch out and then proceed to take off the supplied equipment and work clothes, wash off the safety equipment, and return the safety equipment and soiled work clothes. All of this work is performed either before punching in or after punching out. Thus although the described activities are integral and indispensable part of the principal work activities for which plaintiffs are employed it is uncompensated by defendants.

9. This uncompensated work is known to defendants because the practices to not perform this work during punched-in hours were established by defendants.

10. Plaintiffs are not paid for all work time recognized by defendants in that defendants pay in 15 minute increments, however, they only round to the benefit of the employer and detriment of the employee beyond a three minute window. If an employee punches in within 3 minutes or less after the start of the work shift they will be paid from the start, however, punching the time-clock beyond 3 minutes results in pay commencing at the next 15 minute time-period thus working 11 minutes 59 seconds to 7 minutes 31 seconds without pay where rounding would result in pay to the employee. Conversely at the end of the shift punching out before 3 minutes or less in the 15 minute time-period remains results in not being paid for work in the amount of the 11 minutes 59 seconds to 7 minutes 31 seconds that equal rounding would result in pay.

11. Defendant, LIGAS, failed to make the company change its methods and pay for all hours worked and time and one-half for all hours worked over 40 in a week

and for the improper rounding although he was aware of these practices and had the authority to change them.

12. That the plaintiffs and the class they represent for the work described in paragraphs 8 and 10 above were not paid anything for this described work.

13. That, the individual plaintiffs, represent all employees who have not been paid for all hours worked and for overtime at the required time and one-half rate from June 1, 1999 through and including the present, under the provisions of the Illinois Minimum Wage Act during the time period of the class.

14. That the Court should certify this suit as a class action and determine the rights of the parties as to the individual plaintiffs and as to the class back pay, any damages due pursuant to 820 ILCS 105/12, with prejudgment interest pursuant to 815 ILCS 205/2; the Court should direct the defendants to account for all of said back wages, penalties and prejudgment interest thereon, due the plaintiffs and the class they represent; and the Court should order defendants to comply with the Illinois Minimum Wage Act in the future.

15. That this suit is brought pursuant to 735 ILCS 5/2-801 as a class action because the class or subclasses of plaintiffs is so numerous that joinder of all members is impracticable. It is further impracticable, at this time, to discover the numerous members of the class similarly situated to the plaintiffs, or to join said members as parties to this suit, however, Plaintiff believes that the number of similarly situated employees is in the hundreds. Plaintiffs, therefore, bring this action on their own behalf as aggrieved employees, and in their representative capacity as aggrieved employees, against the defendants. All class plaintiffs and the individual plaintiffs are equally affected by the

alleged failure to pay for all hours worked and the overtime pay violations of the defendants and their failure to pay overtime wages; and the relief sought is for the benefit of the individual plaintiffs, and the class they represent, and against the defendants.

16. That the issues involved in this cause present common questions of law and fact; and these common questions of law or fact predominate over the variations which may exist between members of the class and subclasses, if any. The individual plaintiffs and defendants, and the class plaintiffs and defendants, have a commonality of interest in the subject matter and remedy sought, to wit, back pay plus penalties, interest, attorney fees and cost of the lawsuit. The individual plaintiffs believe and assert that they are able fairly and adequately to represent and to protect the interest of the class. If individual actions were required to be brought by each of the class plaintiffs injured or affected, it would necessarily result in a multiplicity of lawsuits, creating a hardship to the individual plaintiffs and to the Court, as well as to the defendants. Accordingly, a class action is an appropriate method for the fair and efficient adjudication of this controversy and distribution of the common fund to which the class is entitled.

17. That the books and records of the defendant STAMPEDE are material to the plaintiffs' case as they disclose the hours worked by each employee and what each employee was paid for that work.

18. That all current employees are injured by defendants' failure to comply with the Illinois Minimum Wage Act and will continue to be in the future until defendants are required to comply with the law now and into the future.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELZ, individually and as class representatives of the class, ask the Court to determine that this action should proceed as a class action, certify the class described herein, and enter judgment in their favor, and against defendants both jointly and severally, for the following relief:

- A. For a judgment for all back wages due, as provided by the Illinois Minimum Wage Act, 820 ILCS 105/1 *et seq.*;
- B. That defendants be ordered to comply with the Illinois Minimum Wage Act in the future;
- C. For prejudgment interest on the back wages in accordance with 815 ILCS 205/2 and punitive damages under the Illinois Minimum Wage Act, 820 IL CS 105/12;
- D. For reasonable attorneys fees and costs of this action as provided by the Illinois Minimum Wage Act, 820 ILCS 105/12;
- E. That this Court determine the rights of the parties and direct the defendants to account for all hours worked and wages paid to the class members during the temporality of the class; and
- F. For such other and further relief as the Court may deem just and equitable.

COUNT II – ILLINOIS WAGE PAYMENT AND COLLECTION ACT

This cause of action arises out of the identical nucleus of operative facts as does Count I.

1. Plaintiffs ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ individually and as class representatives of the class they wish to represent incorporate herein and re-allege each and every allegation of Count I as though fully set forth herein.

2. At any and all times relevant hereto, at defendants' request, plaintiffs and the class they represent performed labor services for defendants.

3. Defendants promised to pay plaintiffs and the class they represent for said labor at hourly rates which varied during the relevant time period, and pursuant to the Illinois Wage Payment and Collection Act, 820 ILCS 115/1, *et seq.*, plaintiffs are entitled to be paid their wages for hours worked but not recognized by defendants as compensable time.

4. Defendants have failed, neglected or refused to pay plaintiffs for all their wages during the period from June 1, 1999 to the present, pursuant to 820 ILCS 115/4 and 5; and, as a direct and proximate result thereof, co-plaintiffs have been damaged in a currently unknown amount.

PRAYER FOR RELIEF

WHEREFORE plaintiffs ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ individually, and as representatives of the class ask the Court determine that this action should proceed as a class action certify the class described

herein and enter judgment in their favor, and against defendants both jointly and morally for the following relief:

- A. To order defendants to make an accounting of all the hours worked and wages paid to the plaintiffs and to each and every class member they represent for the period June 1, 1999 to the present;
- B. Order defendants to comply with the Illinois Wage Payment and Collection Act in the future;
- C. To enter judgment in favor of the plaintiff and the class they represent, and against each of the defendants both jointly and severally for the back wages due, plus prejudgment interest at the statutory rate pursuant to 815 ILCS 205/2; and
- D. Such other and further relief as may be just in law and in equity.

COUNT III – FEDERAL LAW/FAIR LABOR STANDARDS ACT

NOW COME the plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ all individually, and complaining of the defendants pursuant to 29 U.S.C. §201 *et seq.*, commonly known as the Fair Labor Standards Act, 29 U.S.C. §201 *et seq.* (hereinafter, “FLSA”), allege:

- 1. They repeat and re-allege each and every allegation of Counts I and II as though fully set forth herein.
- 2. At any and all times relevant hereto, defendant, STAMPEDE was, and still is, an “enterprise” and an “enterprise engaged in commerce” as defined by Sections 3(r) and (s) of the Act, 29 U.S.C. §203 (r) and (s).

3. At any and all times relevant hereto, defendants STAMPEDE and LIGAS are each an “employer” within the meaning of Sec. 3(d), 29 U.S.C. §203(d).

4. At any and all times relevant hereto, each plaintiff was an “employee” as defined by Sec. 3(e) of the FLSA, 29 U.S.C. §203(e).

5. Between June 1, 1999 and the present, plaintiffs were not paid for all hours worked and their wages at the rate of one and one-half their regular rate for all hours worked in excess of 40 during certain work weeks in which they worked, in violation of the minimum wage and maximum hours provisions of the FLSA, to wit, 29 U.S.C. §§206 and 207(a).

6. As a direct and proximate result thereof, there is due to plaintiffs back wages and liquidated damages, pursuant to 29 U.S.C. §216.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA and VAZQUEZ, VIRGILIO VELEZ all individually, ask the Court to enter judgment in their favor, and against all the defendants both jointly and severally for the following relief:

- A. For a judgment for all back wages due from June 1, 2000 to the present, prejudgment interest in accordance with established federal case law and 815 ILCS 205/2 and liquidated damages, as provided by 29 U.S.C. §216; and
- B. For reasonable attorneys fees and costs of this action as provided by 29 U.S.C. §216.

- C. Such other and further relief that the Court deems just under the circumstances.

COUNT IV – WILLFUL VIOLATION OF FLSA

1. Plaintiffs ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, VIRGILIO VELEZ all individually repeat and re-allege each and every allegation of Counts I, II and III as though fully set forth herein.

2. At all times relevant hereto, the action of defendants to not pay for all hours worked and time and one-half for all hours worked over 40 in a week was willful in that among other things:

A. Defendants knew that the FLSA required every employer to pay for all hours worked and at time and one-half their regular rate for all hours worked over 40 in a week.

B. Defendants recklessly disregarded the FLSA and its requirement that employees are entitled to pay for all work time and at time and one-half their regular rate for all hours worked over 40 in a week.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA and VAZQUEZ, VIRGILIO VELEZ all individually, ask the Court to enter judgment in their favor, and against the defendants both jointly and severally for the following relief:

- A. For a judgment for all back wages due from June 1, 1999 to the present, prejudgment interest in accordance with established federal case law and

815 ILCS 205/2 and liquidated damages, as provided by 29 U.S.C. §216;
and

- B. For reasonable attorneys fees and costs of this action as provided by 29 U.S.C. §216.
- C. Such other and further relief that this Court deems just under the circumstances.

Respectfully submitted,
As to Count I and II,
ALEJANDRA SANCHEZ, individually,
ALEJANDRA VAZQUEZ, individually,
and VIRGILIO VELEZ, individually, and
on behalf of a class of employees similarly
situated, and

As to Count III and IV,
ALEJANDRA SANCHEZ,
ALEJANDRA VAZQUEZ,
VIRGILIO VELEZ, all individually

By: 

One of Plaintiffs' Attorneys

JAC A. COTIGUALA & ASSOCIATES
30 North LaSalle Street, Suite 1724
Chicago, Illinois 60604
Telephone: 312-939-2100

CAFFARELLI & SIEGEL, Ltd.
205 W. Wacker Drive, Suite 500
Chicago, Illinois 60606
Telephone: 312-782-3550

Attorney Code No. 18353

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

ALEJANDRA SANCHEZ individually,
ALEJANDRA VAZQUEZ individually,
and VIRGILIO VELEZ individually,
and on behalf of a class of employees
similarly situated and ALEJANDRA
SANCHEZ, ALEJANDRA VAZQUEZ,
and VIRGILIO VELEZ all individually
as to Count III and IV,

Plaintiffs,

v.

STAMPEDE MEAT, INC.,
an Illinois corporation, and
EDWARD LIGAS, individually,

Defendants.

Case No. 02 CH 12303

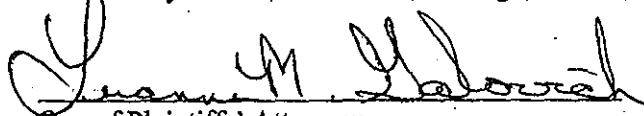
Calendar 6

NOTICE OF FILING

To: Michael Barry
321 N. Clark Street, Suite 3400
Chicago, Illinois 60610

Edward Ligas, President
4551 S. Racine
Chicago, Illinois 60609

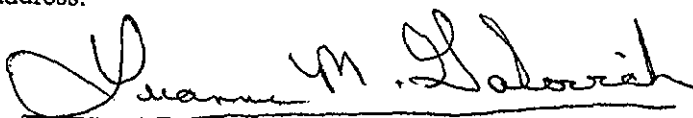
PLEASE TAKE NOTICE that on JULY 3, 2002 the attached Notices of Consent were filed with the Clerk of the Court, Chancery Division, Richard J. Daley Center, Room 802, Chicago, Illinois, a copy of which is hereby served upon you.


One of Plaintiffs' Attorneys

Jac A. Cotiguala
Luanne M. Galovich
JAC A. COTIGUALA & ASSOCIATES
30 North LaSalle Street, Suite 1724
Chicago, Illinois 60602
Telephone: (312) 939-2100

CERTIFICATE OF SERVICE

I, Luanne M. Galovich, an attorney, hereby certify that a true and correct copy of the notice and attached pleading was served by first class mail, with proper postage fully pre-paid, on July 3, 2002, at or before 5:00 p.m., from the U.S. Postal depository at 30 North LaSalle Street, Chicago, Illinois, 60602, upon the above individuals at the above listed address.



FILED

JUL 3 2002

DOROTHY BRO
CLERK OF CIRCUIT CO.

FROM : Caffarelli & Siegel

PHONE NO. : 312 782 3505

Jul. 02 2002 02:21PM P3

NOTICE OF CONSENT

I hereby give my consent to become a party plaintiff concerning alleged violations of the Fair Labor Standards Act, 29 U.S.C. 201 or the Portal-to-Portal Act, 29 U.S.C. 251 or both because I either currently am or within the three years preceding the execution of the Consent was an employee of Stampede Meat, Inc.

YOUR NAME: Alexandra Vazquez
(Print)

YOUR ADDRESS: 1755 W 45 St Chicago IL 60609
City Zip Code

TELEPHONE: (773) 475-7931

TODAY'S DATE: 06-20-02

YOUR SIGNATURE Alexandra Vazquez

NOTICE OF CONSENT

I hereby give my consent to become a party plaintiff concerning alleged violations of the Fair Labor Standards Act, 29 U.S.C. 201 or the Portal-to-Portal Act, 29 U.S.C. 251 or both because I either currently am or within the three years preceding the execution of the Consent was an employee of Stampede Meat, Inc.

YOUR NAME:

Virgilio Velez
(Print)

YOUR ADDRESS:

4536 S. JUSTINE CHGO IL 60609
City Zip Code

TELEPHONE:

(773) 523-7243

TODAY'S DATE:

06-10-02

YOUR SIGNATURE

Virgilio Velez

NOTICE OF CONSENT

I hereby give my consent to become a party plaintiff concerning alleged violations of the Fair Labor Standards Act, 29 U.S.C. 201 or the Portal-to-Portal Act, 29 U.S.C. 251 or both because I either currently am or within the three years preceding the execution of the Consent was an employee of Stampede Meat, Inc.

YOUR NAME: ALEJANDRA SANCHEZ
(Print)

YOUR ADDRESS: 4519 S JUSTINE CH60, IL 60604
City Zip Code

TELEPHONE: (773) 523-7243

TODAY'S DATE: 06-10-07

YOUR SIGNATURE Alejandra Sanchez

2281 - Not Served
 2381 - Served By Mail
 Subpoena - for Deposition

(Rev.12/4/00) CCG 0014

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ALEJANDRA SANCHEZ, et al., Plaintiffs

v.

STAMPEDE MEAT, INC., et al., Defendants.

No. 020112203

SUBPOENA FOR DEPOSITION

ADP, INC.
 To: Legal Department
 110 Riverside Drive
 New York, NY 10024

RECORDS ONLY SUBPOENA:

You need not appear if the requested records are submitted to Petitioner's attorney on or before the due date indicated herein.

YOU ARE COMMANDED to appear to give your deposition before a Notary Public at:

30 N. LaSalle St. , Room 1724 , Chicago , Illinois 60602
 (address) (city) (zip)

on August 6 2002, at 10:00 AM

YOU ARE COMMANDED ALSO to bring the following:

in your possession or control.

YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

WITNESS

JUL 03 2002

Atty. No. 18353Name: Jac A. Cotiguala & AssociatesAttorney for: PlaintiffAddress: 30 North LaSalle St., Suite 1724City/Zip: Chicago, Illinois 60602Telephone: (312) 939-2100

Dorothy Brown
 Clerk of Court

I served this subpoena by handing a copy to _____

on _____

I paid the witness \$ _____ for witness and mileage fees.

Signed and sworn to before me on this _____ day of _____

Notary Public

#1

Attorney Code No. 18353

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

FILED

JUL 3 2002

DOROTHY BROWN
CLERK OF CIRCUIT COURT

ALEJANDRA SANCHEZ individually,)
ALEJANDRA VAZQUEZ individually,)
and VIRGILIO VELEZ individually,)
and on behalf of a class of employees)
similarly situated and ALEJANDRA)
SANCHEZ, ALEJANDRA VAZQUEZ,)
and VIRGILIO VELEZ all individually)
as to Count III and IV,)

Plaintiffs,)

v.)

Case No.

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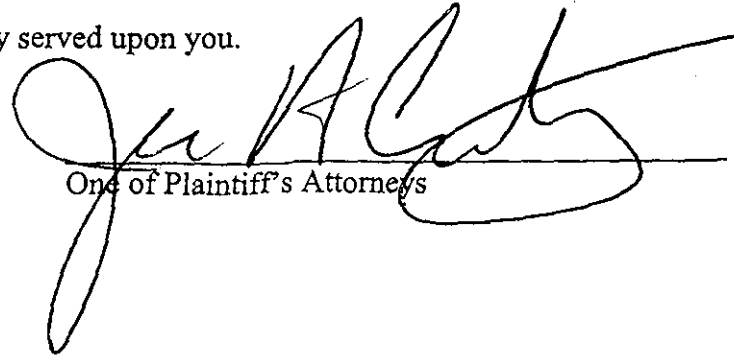
STAMPEDE MEAT, INC.,)
an Illinois corporation, and)
EDWARD LIGAS, individually,)

Defendants.)

NOTICE OF MOTION

To: See Attached Service List

PLEASE TAKE NOTICE that on August 2, 2002 at 9:15 A.M. or as soon thereafter as counsel may be heard, the undersigned shall appear before the Honorable Judge P. McGARR or any other judge sitting in his stead that day, in Room 2508 of the Richard J. Daley Center, Chicago, Illinois, and then and there present the Motion For Class Certification, a copy of which is hereby served upon you.


One of Plaintiff's Attorneys

Jac A. Cotiguala
Luanne M. Galovich
JAC A. COTIGUALA & ASSOCIATES
30 North LaSalle Street, Suite 1724
Chicago, Illinois 60602
Telephone: (312) 939-2100

CERTIFICATE OF SERVICE

To:

Michael Barry
321 N. Clark Street, Suite 3400
Chicago, Illinois 60610

Edward Ligas, President
4551 S. Racine
Chicago, Illinois 60609

I, Jac A. Cotiguala, an attorney, hereby certify that a true and correct copy of the notice and attached pleading was served by first class mail, with proper postage fully pre-paid, on June 3, 2002, at or before 5:00 p.m., from the U.S. Postal depository at 30 North LaSalle Street, Chicago, Illinois, 60602, upon the above individuals at the above listed address.



Jac A. Cotiguala

Jac A. Cotiguala
Luanne M. Galovich
JAC A. COTIGUALA & ASSOCIATES
30 North LaSalle Street, Suite 1724
Chicago, IL 60602
(312) 939-2100

Attorney Code No. 18353

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

ALEJANDRA SANCHEZ individually,)
ALEJANDRA VAZQUEZ individually,)
and VIRGILIO VELEZ individually,)
and on behalf of a class of employees)
similarly situated and ALEJANDRA)
SANCHEZ, ALEJANDRA VAZQUEZ,)
and VIRGILIO VELEZ all individually)
as to Count III and IV,)

Plaintiffs,)

v.)

STAMPEDE MEAT, INC.,)
an Illinois corporation, and)
EDWARD LIGAS, individually,)

Defendants.)

FILED

JUL 3 2002

DOROTHY BROWN
CLERK OF CIRCUIT COURT

02012303

Case No.

MOTION FOR CLASS CERTIFICATION

NOW COMES the Plaintiffs, Alejandra Sanchez, Alejandra Vazquez, and Virgilio Velez, and all other similarly situated, pursuant to 735 ILCS 5/2-801, and herewith moves the court to certify this suit as a class action under the Illinois Minimum Wage Law, 820 ILCS 105/1 et seq., ("ILMWL") and the Illinois Wage Payment and Collection Act, to recover back overtime pay for the period June 1, 1999, three years before the original date of filing this suit, to and including the present. The class action

procedure has been found appropriate in cases under the ILMWL. Roger Wenthold, et al. v. AT&T Technologies, Inc., et al., 142 Ill. App.3d 612 (1st Dist. 1986).

I. INTRODUCTION

Plaintiff filed the Class Complaint requesting relief on behalf of a class of all workers who, at any time during the period June 14, 1999, through the present (referenced herein as the "class period"), were employed by defendants in Illinois as hourly employees and was not paid for all hours worked for donning and doffing safety equipment and employer supplied work clothes or had their time wrongfully rounded or both.

II. DEFINITION OF THE CLASS

The Plaintiff class may be defined as follows:

All persons who, at any time during the period July 1, 1999, through the present (referenced herein as the "class period"), were employed by Stampede Meat, Inc. as hourly paid workers in the meat cutting plants in Chicago, Illinois, and did not receive pay for the donning or doffing of safety equipment and employer supplied work clothes and the additional related incidental work time or had their work time as reflected on the punched time cards improperly rounded.

The representative plaintiffs can meet each of the requirements for maintaining a class action under state law. The Illinois Code of Civil Procedure provides:

§2-801. Prerequisites for the maintenance of a class action. An action may be maintained as a class action in

any court of this State and a party may sue or be sued as a representative party of the class only if the court finds:

- (1) The class is so numerous that joinder of all members is impracticable.
- (2) There are questions of fact or law common to the class, which common questions predominate over any questions affecting only individual members.
- (3) The representative parties will fairly and adequately protect the interest of the class.
- (4) The class action is an appropriate method for the fair and efficient adjudication of the controversy.
P.A. 82-280, §2-801, eff. July 1, 1982.

Plaintiff can meet each of the statutory requirements for maintenance of this suit as a class action. The class action device is ideally suited for the collection of overtime wage claims. Roger Wenthold, et al. v. AT&T Technologies, Inc., et al., 142 App.3d 6112 (1st Dist. 1986).

III. TEMPORALITY OF THE CLASS

The temporality of the class is June 14, 1999 to the present. The statute of limitation in Illinois for filing an overtime wage claim is three years. 820 ILCS 105/4.

IV. NUMEROSITY OF THE CLASS

The class of sheet metal workers is so numerous that joinder of all members is impracticable. The precise number in the class cannot be determined until payroll records, and employment and union lists are obtained from defendant and the union. However, it is believed there are well over 200 aggrieved employees in the two Chicago

meat cutting plants. Once the number of class members is obtained, the court will know the number of persons affected.

V. COMMON QUESTIONS OF FACT OR LAW

There are questions of fact and law common to the class and these common questions predominate over any questions affecting individual members. Each of the plaintiffs has in common the fact that they are hourly paid workers employed by defendant Stamped Meat, Inc. Each class member worked time for which they were not paid, between the period July 1, 1999 and the present. Each of the class members was not paid for donning or doffing safety equipment and work clothes supplied by the employer and the incidental time involved in those tasks including but not limited to picking up the equipment and work clothes before the beginning of the shift, cleaning the equipment and returning the equipment and clothes after the end of the shift. Each plaintiff will have time due on this as it was the employer's policy to allow employees to punch in only after the required equipment and clothes were on the employee and require employees to punch out before taking off and cleaning the safety equipment and taking off the supplied required clothes and returning all of it. Also those employees who punched their timecards outside of the three minute window period have not been paid for time worked but not paid because of improper rounding by the defendants. It was the employer's policy to only pay for non worked time of 3 minutes or less at the beginning and end of the shift and pay in 15 minute increments. Thus work time is not equitably rounded to the nearest 15 minute increment of pay.

The common question of law to all of the class members is that each class member is protected by the Illinois Minimum Wage Law, 820 ILCS 105/1 *et seq.* and the Illinois Wage Payment and Collection Act 820 ILCS 115/1 *et seq.*, and is due back pay for the unpaid work time.

VI. ADEQUACY OF REPRESENTATION

Both the plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ, and their attorneys, JAC A. COTIGUALA & ASSOCIATES and CAFFARELLI & SIEGAL Ltd. , will fairly and adequately protect the interests of the class. Plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VERGILIO VELEZ, were workers employed by defendants during part of the relevant time-period in the Chicago meat cutting plants. They are former hourly paid employees owed money for unpaid work time, and they have the incentive to request their back wages. Their attorneys, JAC A. COTIGUALA & ASSOCIATES, are highly experienced and recognized attorneys in wage and hour law and have been designated as class counsel in other class actions in the state and federal courts. See e.g. Bell, et al. v. United Parcel Service, Inc., 94 CH 1658 (Cook County, Ill., Hett, J.) and Johnson, et al. v. CHA, 94 C 7692 (N.D. Ill., Plunkett, J.). CAFFARELLI & SIEGAL Ltd. are experienced attorneys in labor and employment matters and litigation regarding labor and employment in state and federal court. Mr. Cotiguala, Ms. Galovich, Mr. Caffarelli, and Mr. Siegal have the ability and the resources to manage this lawsuit.

VII. APPROPRIATENESS OF CLASS ACTION METHOD

A class action would be an appropriate method for the fair and efficient adjudication of this controversy, rather than bringing individual suits which could result in inconsistent determinations and unjust results. The Appellate Court of Illinois has recognized this. Roger Wenthold, et al. v. AT&T Technologies, Inc., et al., 142 App.3d 612 (1st Dist. 1986).

VIII. CONCLUSION

For all of the foregoing reasons, the court should issue an order of class certification and authorize the sending of notice, to each of the class members, at the plaintiff's expense.

Respectfully submitted,

ALEJANDRA SANCHEZ,
ALEJANDRA VAZQUEZ,
And VIRGILIO VELEZ,

By: _____
One of Plaintiff's Attorneys

JAC A. COTIGUALA & ASSOCIATES
30 North LaSalle Street
Suite 1724
Chicago, Illinois 60602
Telephone: (312) 939-2100

CAFFARELLI & SIEGEL, Ltd.
205 W. Wacker Drive, Suite 500
Chicago, Illinois 60606
Telephone: 312-782-3550

CERTIFICATE OF SERVICE

To:

Michael Berry
321 N. Clark Street, Suite 3400
Chicago, Illinois 60610

Edward Ligas, President
4551 S. Racine
Chicago, Illinois 60609

I, Jac A. Cotiguala, an attorney, hereby certify that a true and correct copy of the notice and attached pleading was served by first class mail, with proper postage fully prepaid, on June 3, 2002, at or before 5:00 p.m., from the U.S. Postal depository at 30 North LaSalle Street, Chicago, Illinois, 60602, upon the above individuals at the above listed address.



Jac A. Cotiguala

Jac A. Cotiguala
Luanne M. Galovich
JAC A. COTIGUALA & ASSOCIATES
30 North LaSalle Street, Suite 1724
Chicago, IL 60602
(312) 939-2100

Attorney Code No. 18353

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

ALEJANDRA SANCHEZ individually,)
ALEJANDRA VAZQUEZ individually,)
and VIRGILIO VELEZ individually,)
and on behalf of a class of employees)
similarly situated and ALEJANDRA)
SANCHEZ, ALEJANDRA VAZQUEZ,)
and VIRGILIO VELEZ all individually)
as to Count III and IV,)

Plaintiffs,)

v.)

STAMPEDE MEAT, INC.,)
an Illinois corporation, and)
EDWARD LIGAS, individually,)

Defendants.)

FILED

JUL 10 2002

DOROTHY BROWN
CLERK OF CIRCUIT COURT

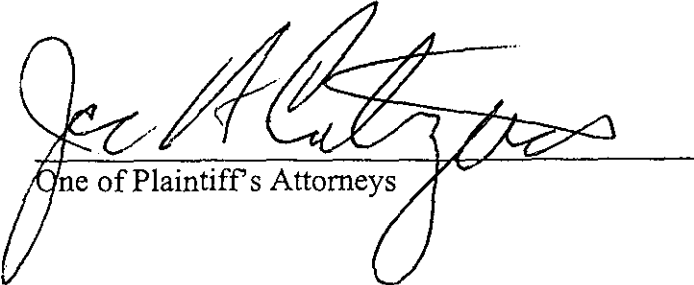
Case No. 02 CH 12303

NOTICE OF AMENDED MOTION

To: See Attached Service List

PLEASE TAKE NOTICE that on August 2, 2002 at 9:15 A.M. or as soon thereafter as counsel may be heard, the undersigned shall appear before the Honorable Judge P. McGann or any other judge sitting in his stead that day, in Room 2508 of the Richard J. Daley Center, Chicago, Illinois, and then and there present the **Amended Motion For Class Certification**, a copy of which is hereby served upon you.

Jac A. Cotiguala
Luanne M. Galovich
JAC A. COTIGUALA & ASSOCIATES
30 North LaSalle Street, Suite 1724
Chicago, Illinois 60602
Telephone: (312) 939-2100


One of Plaintiff's Attorneys

CERTIFICATE OF SERVICE

To:

Michael Barry
321 N. Clark Street, Suite 3400
Chicago, Illinois 60610

Edward Ligas, President
4551 S. Racine
Chicago, Illinois 60609

I, Jac A. Cotiguala, an attorney, hereby certify that a true and correct copy of the notice and attached pleading was served by first class mail, with proper postage fully pre-paid, on July 10, 2002, at or before 5:00 p.m., from the U.S. Postal depository at 30 North LaSalle Street, Chicago, Illinois, 60602, upon the above individuals at the above listed address.


Jac A. Cotiguala

Jac A. Cotiguala
Luanne M. Galovich
JAC A. COTIGUALA & ASSOCIATES
30 North LaSalle Street, Suite 1724
Chicago, IL 60602
(312) 939-2100

Attorney Code No. 18353

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

ALEJANDRA SANCHEZ individually,)
ALEJANDRA VAZQUEZ individually,)
and VIRGILIO VELEZ individually,)
and on behalf of a class of employees)
similarly situated and ALEJANDRA)
SANCHEZ, ALEJANDRA VAZQUEZ,)
and VIRGILIO VELEZ all individually)
as to Count III and IV,)

Plaintiffs,)

v.)

STAMPEDE MEAT, INC.,)
an Illinois corporation, and)
EDWARD LIGAS, individually,)

Defendants.)

FILED

JUL 10 2002

DOROTHY BROWN
CLERK OF CIRCUIT COURT

Case No. 02 CH 12303

AMENDED MOTION FOR CLASS CERTIFICATION

NOW COMES the Plaintiffs, Alejandra Sanchez, Alejandra Vazquez, and Virgilio Velez, and all other similarly situated, pursuant to 735 ILCS 5/2-801, and herewith moves the court to certify this suit as a class action under the Illinois Minimum Wage Law, 820 ILCS 105/1 et seq., ("ILMWL") and the Illinois Wage Payment and Collection Act, to recover back overtime pay for the period June 1, 1999, three years before the original date of filing this suit, to and including the present. The class action

procedure has been found appropriate in cases under the ILMWL. Roger Wenthold, et al. v. AT&T Technologies, Inc., et al., 142 Ill. App.3d 612 (1st Dist. 1986).

I. **INTRODUCTION**

Plaintiff filed the Class Complaint requesting relief on behalf of a class of all workers who, at any time during the period June 14, 1999, through the present (referenced herein as the "class period"), were employed by defendants in Illinois as hourly employees and was not paid for all hours worked for donning and doffing safety equipment and employer supplied work clothes or had their time wrongfully rounded or both.

II. **DEFINITION OF THE CLASS**

The Plaintiff class may be defined as follows:

All persons who, at any time during the period July 1, 1999, through the present (referenced herein as the "class period"), were employed by Stampede Meat, Inc. as hourly paid workers in the meat cutting plants in Chicago, Illinois, and did not receive pay for the donning or doffing of safety equipment and employer supplied work clothes and the additional related incidental work time or had their work time as reflected on the punched time cards improperly rounded.

The representative plaintiffs can meet each of the requirements for maintaining a class action under state law. The Illinois Code of Civil Procedure provides:

§2-801. Prerequisites for the maintenance of a class action. An action may be maintained as a class action in

any court of this State and a party may sue or be sued as a representative party of the class only if the court finds:

- (1) The class is so numerous that joinder of all members is impracticable.
- (2) There are questions of fact or law common to the class, which common questions predominate over any questions affecting only individual members.
- (3) The representative parties will fairly and adequately protect the interest of the class.
- (4) The class action is an appropriate method for the fair and efficient adjudication of the controversy.
P.A. 82-280, §2-801, eff. July 1, 1982.

Plaintiff can meet each of the statutory requirements for maintenance of this suit as a class action. The class action device is ideally suited for the collection of overtime wage claims. Roger Wenthold, et al. v. AT&T Technologies, Inc., et al., 142 App.3d 6112 (1st Dist. 1986).

III. TEMPORALITY OF THE CLASS

The temporality of the class is June 14, 1999 to the present. The statute of limitation in Illinois for filing an overtime wage claim is three years. 820 ILCS 105/4.

IV. NUMEROSITY OF THE CLASS

The class of meat cutting workers workers is so numerous that joinder of all members is impracticable. The precise number in the class cannot be determined until payroll records, and employment and union lists are obtained from defendant. However, it is believed there are well over 200 aggrieved employees in the two Chicago meat

cutting plants. Once the number of class members is obtained, the court will know the number of persons affected.

V. COMMON QUESTIONS OF FACT OR LAW

There are questions of fact and law common to the class and these common questions predominate over any questions affecting individual members. Each of the plaintiffs has in common the fact that they are hourly paid workers employed by defendant Stamped Meat, Inc. Each class member worked time for which they were not paid, between the period July 1, 1999 and the present. Each of the class members was not paid for donning or doffing safety equipment and work clothes supplied by the employer and the incidental time involved in those tasks including but not limited to picking up the equipment and work clothes before the beginning of the shift, cleaning the equipment and returning the equipment and clothes after the end of the shift. Each plaintiff will have time due on this as it was the employer's policy to allow employees to punch in only after the required equipment and clothes were on the employee and require employees to punch out before taking off and cleaning the safety equipment and taking off the supplied required clothes and returning all of it. Also those employees who punched their timecards outside of the three minute window period have not been paid for time worked but not paid because of improper rounding by the defendants. It was the employer's policy to only pay for non worked time of 3 minutes or less at the beginning and end of the shift and pay in 15 minute increments. Thus work time is not equitably rounded to the nearest 15 minute increment of pay.

The common question of law to all of the class members is that each class member is protected by the Illinois Minimum Wage Law, 820 ILCS 105/1 *et seq.* and the Illinois Wage Payment and Collection Act 820 ILCS 115/1 *et seq.*, and is due back pay for the unpaid work time.

VI. ADEQUACY OF REPRESENTATION

Both the plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ, and their attorneys, JAC A. COTIGUALA & ASSOCIATES and CAFFARELLI & SIEGEL Ltd. , will fairly and adequately protect the interests of the class. Plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VERGILIO VELEZ, were workers employed by defendants during part of the relevant time-period in the Chicago meat cutting plants. They are former hourly paid employees owed money for unpaid work time, and they have the incentive to request their back wages. Their attorneys, JAC A. COTIGUALA & ASSOCIATES, are highly experienced and recognized attorneys in wage and hour law and have been designated as class counsel in other class actions in the state and federal courts. See e.g. Bell, et al. v. United Parcel Service, Inc., 94 CH 1658 (Cook County, Ill., Hett, J.) and Johnson, et al. v. CHA, 94 C 7692 (N.D. Ill., Plunkett, J.). CAFFARELLI & SIEGAL Ltd. are experienced attorneys in labor and employment matters and litigation regarding labor and employment in state and federal court. Mr. Cotiguala, Ms. Galovich, Mr. Caffarelli, and Mr. Siegal have the ability and the resources to manage this lawsuit.

VII. APPROPRIATENESS OF CLASS ACTION METHOD

A class action would be an appropriate method for the fair and efficient adjudication of this controversy, rather than bringing individual suits which could result in inconsistent determinations and unjust results. The Appellate Court of Illinois has recognized this. Roger Wenthold, et al. v. AT&T Technologies, Inc., et al., 142 App.3d 612 (1st Dist. 1986).

VIII. CONCLUSION

For all of the foregoing reasons, the court should issue an order of class certification and authorize the sending of notice, to each of the class members, at the plaintiff's expense.

Respectfully submitted,

ALEJANDRA SANCHEZ,
ALEJANDRA VAZQUEZ,
And VIRGILIO VELEZ,

By: 

One of Plaintiff's Attorneys

JAC A. COTIGUALA & ASSOCIATES
30 North LaSalle Street
Suite 1724
Chicago, Illinois 60602
Telephone: (312) 939-2100

CAFFARELLI & SIEGEL, Ltd.
205 W. Wacker Drive, Suite 500
Chicago, Illinois 60606
Telephone: 312-782-3550

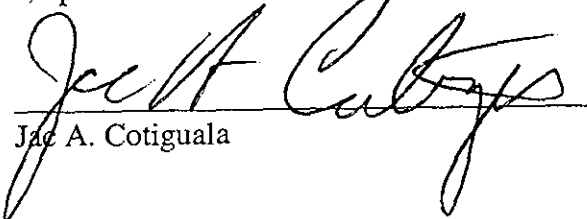
CERTIFICATE OF SERVICE

To:

Michael Berry
321 N. Clark Street, Suite 3400
Chicago, Illinois 60610

Edward Ligas, President
4551 S. Racine
Chicago, Illinois 60609

I, Jac A. Cotiguala, an attorney, hereby certify that a true and correct copy of the notice and attached pleading was served by first class mail, with proper postage fully pre-paid, on July 10, 2002, at or before 5:00 p.m., from the U.S. Postal depository at 30 North LaSalle Street, Chicago, Illinois, 60602, upon the above individuals at the above listed address.


Jac A. Cotiguala

Jac A. Cotiguala
Luanne M. Galovich
JAC A. COTIGUALA & ASSOCIATES
30 North LaSalle Street, Suite 1724
Chicago, IL 60602
(312) 939-2100

2120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
 SUMMONS

2121 - Served
 2221 - Not Served
 21 - Served By Mail
 2421 - Served By Publication
 ALIAS - SUMMONS

(Rev.1/2/01) CCG 000

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, _____ CHANCERY _____ DIVISION _____

02CH12303

(Name all parties)

ALEJANDRA SANCHEZ, et al.,

Plaintiffs,

v.

STAMPEDE MEAT, INC.,
 an Illinois corporation, and
 EDWARD LIGAS, individually,

Defendants.

No. _____

SUMMONS

To each defendant:

Michael Barry
 321 N. Clark Street, Suite 3400
 Chicago, IL 60610

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court at the following location:

☒ Richard J. Daley Center, 50 W. Washington, Room 802, Chicago, Illinois 60602

☐ District 2 - Skokie
 5600 Old Orchard Rd.
 Skokie, IL 60077

☐ District 3 - Rolling Meadows
 2121 Euclid
 Rolling Meadows, IL 60008

☐ District 4 - Maywood
 1500 Maybrook Ave.
 Maywood, IL 60153

☐ District 5 - Bridgeview
 10220 S. 76th Ave.
 Bridgeview, IL 60455

☐ District 6 - Markham
 16501 S. Kedzie Pkwy.
 Markham, IL 60426

You must file within 30 days after service of this summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

Atty. No.: 18353Name: Jac A. CotigualaAtty. for: PlaintiffAddress: 30 North LaSalle St., Suite 1724City/State/Zip: Chicago, Illinois 60602Telephone: (312) 939-2100

WITNESS, _____

Clerk of Court

Date of service: 17 July 2002
 (To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: _____

(Area Code) (Facsimile Telephone Number)

Attorney Code No. 18353

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

FILED
CIRCUIT COURT OF COOK
COUNTY
CLERK

ALEJANDRA SANCHEZ individually,)
ALEJANDRA VAZQUEZ individually,)
and VIRGILIO VELEZ individually,)
and on behalf of a class of employees)
similarly situated and ALEJANDRA)
SANCHEZ, ALEJANDRA VAZQUEZ,)
and VIRGILIO VELEZ all individually)
as to Count III and IV,)

Plaintiffs,)

v.)

Case No.

STAMPEDE MEAT, INC.,)
an Illinois corporation, and)
EDWARD LIGAS, individually,)

Defendants.)

02012303

**CLASS ACTION COMPLAINT IN CHANCERY FOR INJUNCTION,
ACCOUNTING AND JUDGMENT FOR BACK OVERTIME WAGES**

NOW COME the plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ, pursuant to 735 ILCS 5/2-801 *et seq.* class actions; 820 ILCS 115/1 *et seq.*, commonly known as the Wage Payment and Collection Act; 820 ILCS 105/1 *et seq.*, commonly known as the Illinois Minimum Wage Act; and 29 U.S.C. § 200 *et seq.*, commonly known as the Fair Labor Standards Act, by and through their attorneys, JAC A. COTIGUALA & ASSOCIATES, and CAFFARELLI & SIEGEL Ltd. and in support of their complaint, state as follows:

COUNT I – ILLINOIS MINIMUM WAGE ACT

1. That the plaintiffs ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ individually and as class representatives of the class they wish to represent are hourly paid employees who are due, and who have not been paid for all hours worked including overtime wages under the maximum hours provisions of the Illinois Minimum Wage Act, 820 ILCS 105/1 *et seq.* from June 1, 1998 to the present.

2. That each of the plaintiffs was, or still is, employed by STAMPEDE MEAT, INC. (“STAMPEDE”), a corporation duly organized and existing under the laws of the State of Illinois.

3. That defendant, STAMPEDE, is subject to the provisions of said laws and is an employer within the meaning of the Illinois Minimum Wage Act, and maintains its registered office in the County of Cook at 321 N. Clark St., Suite 3400, Chicago, Illinois.

4. On information and belief, plaintiffs claim that the plants of STAMPEDE are also in Chicago, Illinois.

5. That defendant, EDWARD LIGAS (“LIGAS”), is an employer of plaintiffs within the meaning of the Illinois Minimum Wage Act in that among many other things he controls how many hours plaintiffs worked, whether plaintiffs were paid for all hours worked and whether they were paid time and one-half their regular rate of pay for hours worked in excess of forty (40) in a week.

6. All of the Plaintiffs reside in Chicago, Illinois.

7. Defendants are in the business of meat cutting in Chicago, Illinois.

8. Plaintiffs are not paid for all time worked including the donning and doffing of required safety equipment and work clothes and the time associated with

obtaining said equipment in the morning, cleaning it at night and returning it. In the morning plaintiffs wait in line to obtain the safety equipment and work clothes from the company. Upon receiving said equipment they put it on and then wait in line to punch in. Converse at the end of their recognized work period they punch out and then proceed to take off the supplied equipment and work clothes, wash off the safety equipment, and return the safety equipment and soiled work clothes. All of this work is performed either before punching in or after punching out. Thus although the described activities are integral and indispensable part of the principal work activities for which plaintiffs are employed it is uncompensated by defendants.

9. This uncompensated work is known to defendants because the practices to not perform this work during punched-in hours were established by defendants.

10. Plaintiffs are not paid for all work time recognized by defendants in that defendants pay in 15 minute increments, however, they only round to the benefit of the employer and detriment of the employee beyond a three minute window. If an employee punches in within 3 minutes or less after the start of the work shift they will be paid from the start, however, punching the time-clock beyond 3 minutes results in pay commencing at the next 15 minute time-period thus working 11 minutes 59 seconds to 7 minutes 31 seconds without pay where rounding would result in pay to the employee. Conversely at the end of the shift punching out before 3 minutes or less in the 15 minute time-period remains results in not being paid for work in the amount of the 11 minutes 59 seconds to 7 minutes 31 seconds that equal rounding would result in pay.

11. Defendant, LIGAS, failed to make the company change its methods and pay for all hours worked and time and one-half for all hours worked over 40 in a week

and for the improper rounding although he was aware of these practices and had the authority to change them.

12. That the plaintiffs and the class they represent for the work described in paragraphs 8 and 10 above were not paid anything for this described work.

13. That, the individual plaintiffs, represent all employees who have not been paid for all hours worked and for overtime at the required time and one-half rate from June 1, 1999 through and including the present, under the provisions of the Illinois Minimum Wage Act during the time period of the class.

14. That the Court should certify this suit as a class action and determine the rights of the parties as to the individual plaintiffs and as to the class back pay, any damages due pursuant to 820 ILCS 105/12, with prejudgment interest pursuant to 815 ILCS 205/2; the Court should direct the defendants to account for all of said back wages, penalties and prejudgment interest thereon, due the plaintiffs and the class they represent; and the Court should order defendants to comply with the Illinois Minimum Wage Act in the future.

15. That this suit is brought pursuant to 735 ILCS 5/2-801 as a class action because the class or subclasses of plaintiffs is so numerous that joinder of all members is impracticable. It is further impracticable, at this time, to discover the numerous members of the class similarly situated to the plaintiffs, or to join said members as parties to this suit, however, Plaintiff believes that the number of similarly situated employees is in the hundreds. Plaintiffs, therefore, bring this action on their own behalf as aggrieved employees, and in their representative capacity as aggrieved employees, against the defendants. All class plaintiffs and the individual plaintiffs are equally affected by the

alleged failure to pay for all hours worked and the overtime pay violations of the defendants and their failure to pay overtime wages; and the relief sought is for the benefit of the individual plaintiffs, and the class they represent, and against the defendants.

16. That the issues involved in this cause present common questions of law and fact; and these common questions of law or fact predominate over the variations which may exist between members of the class and subclasses, if any. The individual plaintiffs and defendants, and the class plaintiffs and defendants, have a commonality of interest in the subject matter and remedy sought, to wit, back pay plus penalties, interest, attorney fees and cost of the lawsuit. The individual plaintiffs believe and assert that they are able fairly and adequately to represent and to protect the interest of the class. If individual actions were required to be brought by each of the class plaintiffs injured or affected, it would necessarily result in a multiplicity of lawsuits, creating a hardship to the individual plaintiffs and to the Court, as well as to the defendants. Accordingly, a class action is an appropriate method for the fair and efficient adjudication of this controversy and distribution of the common fund to which the class is entitled.

17. That the books and records of the defendant STAMPEDE are material to the plaintiffs' case as they disclose the hours worked by each employee and what each employee was paid for that work.

18. That all current employees are injured by defendants' failure to comply with the Illinois Minimum Wage Act and will continue to be in the future until defendants are required to comply with the law now and into the future.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELZ, individually and as class representatives of the class, ask the Court to determine that this action should proceed as a class action, certify the class described herein, and enter judgment in their favor, and against defendants both jointly and severally, for the following relief:

- A. For a judgment for all back wages due, as provided by the Illinois Minimum Wage Act, 820 ILCS 105/1 *et seq.*;
- B. That defendants be ordered to comply with the Illinois Minimum Wage Act in the future;
- C. For prejudgment interest on the back wages in accordance with 815 ILCS 205/2 and punitive damages under the Illinois Minimum Wage Act, 820 IL CS 105/12;
- D. For reasonable attorneys fees and costs of this action as provided by the Illinois Minimum Wage Act, 820 ILCS 105/12;
- E. That this Court determine the rights of the parties and direct the defendants to account for all hours worked and wages paid to the class members during the temporality of the class; and
- F. For such other and further relief as the Court may deem just and equitable.

COUNT II – ILLINOIS WAGE PAYMENT AND COLLECTION ACT

This cause of action arises out of the identical nucleus of operative facts as does Count I.

1. Plaintiffs ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ individually and as class representatives of the class they wish to represent incorporate herein and re-allege each and every allegation of Count I as though fully set forth herein.

2. At any and all times relevant hereto, at defendants' request, plaintiffs and the class they represent performed labor services for defendants.

3. Defendants promised to pay plaintiffs and the class they represent for said labor at hourly rates which varied during the relevant time period, and pursuant to the Illinois Wage Payment and Collection Act, 820 ILCS 115/1, *et seq.*, plaintiffs are entitled to be paid their wages for hours worked but not recognized by defendants as compensable time.

4. Defendants have failed, neglected or refused to pay plaintiffs for all their wages during the period from June 1, 1999 to the present, pursuant to 820 ILCS 115/4 and 5; and, as a direct and proximate result thereof, co-plaintiffs have been damaged in a currently unknown amount.

PRAYER FOR RELIEF

WHEREFORE plaintiffs ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ individually, and as representatives of the class ask the Court determine that this action should proceed as a class action certify the class described

herein and enter judgment in their favor, and against defendants both jointly and morally for the following relief:

- A. To order defendants to make an accounting of all the hours worked and wages paid to the plaintiffs and to each and every class member they represent for the period June 1, 1999 to the present;
- B. Order defendants to comply with the Illinois Wage Payment and Collection Act in the future;
- C. To enter judgment in favor of the plaintiff and the class they represent, and against each of the defendants both jointly and severally for the back wages due, plus prejudgment interest at the statutory rate pursuant to 815 ILCS 205/2; and
- D. Such other and further relief as may be just in law and in equity.

COUNT III – FEDERAL LAW/FAIR LABOR STANDARDS ACT

NOW COME the plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, and VIRGILIO VELEZ all individually, and complaining of the defendants pursuant to 29 U.S.C. §201 *et seq.*, commonly known as the Fair Labor Standards Act, 29 U.S.C. §201 *et seq.* (hereinafter, “FLSA”), allege:

1. They repeat and re-allege each and every allegation of Counts I and II as though fully set forth herein.
2. At any and all times relevant hereto, defendant, STAMPEDE was, and still is, an “enterprise” and an “enterprise engaged in commerce” as defined by Sections 3(r) and (s) of the Act, 29 U.S.C. §203 (r) and (s).

3. At any and all times relevant hereto, defendants STAMPEDE and LIGAS are each an “employer” within the meaning of Sec. 3(d), 29 U.S.C. §203(d).

4. At any and all times relevant hereto, each plaintiff was an “employee” as defined by Sec. 3(e) of the FLSA, 29 U.S.C. §203(e).

5. Between June 1, 1999 and the present, plaintiffs were not paid for all hours worked and their wages at the rate of one and one-half their regular rate for all hours worked in excess of 40 during certain work weeks in which they worked, in violation of the minimum wage and maximum hours provisions of the FLSA, to wit, 29 U.S.C. §§206 and 207(a).

6. As a direct and proximate result thereof, there is due to plaintiffs back wages and liquidated damages, pursuant to 29 U.S.C. §216.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA and VAZQUEZ, VIRGILIO VELEZ all individually, ask the Court to enter judgment in their favor, and against all the defendants both jointly and severally for the following relief:

- A. For a judgment for all back wages due from June 1, 2000 to the present, prejudgment interest in accordance with established federal case law and 815 ILCS 205/2 and liquidated damages, as provided by 29 U.S.C. §216; and
- B. For reasonable attorneys fees and costs of this action as provided by 29 U.S.C. §216.

- C. Such other and further relief that the Court deems just under the circumstances.

COUNT IV – WILLFUL VIOLATION OF FLSA

1. Plaintiffs ALEJANDRA SANCHEZ, ALEJANDRA VAZQUEZ, VIRGILIO VELEZ all individually repeat and re-allege each and every allegation of Counts I, II and III as though fully set forth herein.

2. At all times relevant hereto, the action of defendants to not pay for all hours worked and time and one-half for all hours worked over 40 in a week was willful in that among other things:

A. Defendants knew that the FLSA required every employer to pay for all hours worked and at time and one-half their regular rate for all hours worked over 40 in a week.

B. Defendants recklessly disregarded the FLSA and its requirement that employees are entitled to pay for all work time and at time and one-half their regular rate for all hours worked over 40 in a week.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs, ALEJANDRA SANCHEZ, ALEJANDRA and VAZQUEZ, VIRGILIO VELEZ all individually, ask the Court to enter judgment in their favor, and against the defendants both jointly and severally for the following relief:

- A. For a judgment for all back wages due from June 1, 1999 to the present, prejudgment interest in accordance with established federal case law and

815 ILCS 205/2 and liquidated damages, as provided by 29 U.S.C. §216;
and

- B. For reasonable attorneys fees and costs of this action as provided by 29 U.S.C. §216.
- C. Such other and further relief that this Court deems just under the circumstances.

Respectfully submitted,
As to Count I and II,
ALEJANDRA SANCHEZ, individually,
ALEJANDRA VAZQUEZ, individually,
and VIRGILIO VELEZ, individually, and
on behalf of a class of employees similarly
situated, and

As to Count III and IV,
ALEJANDRA SANCHEZ,
ALEJANDRA VAZQUEZ,
VIRGILIO VELEZ, all individually

By: 

One of Plaintiffs' Attorneys

JAC A. COTIGUALA & ASSOCIATES
30 North LaSalle Street, Suite 1724
Chicago, Illinois 60604
Telephone: 312-939-2100

CAFFARELLI & SIEGEL, Ltd.
205 W. Wacker Drive, Suite 500
Chicago, Illinois 60606
Telephone: 312-782-3550

JS 44
(Rev. 3/99)

DOCKETED

AUG 02 2002

CIVIL COVER SHEET

The JS - 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I.(a) PLAINTIFFS

Alejandra Sanchez, et. al.

DEFENDANTS

Stampede Meat, Inc. and
Edward LigasJUDGE NORDBERG
COOK(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT
OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Jac A. Cotiguala & Associates
30 N. LaSalle St
Suite 1724
Chicago, IL 60604

ATTORNEYS (IF KNOWN)

Gardner, Carton & Douglas
321 N. Clark St
Suite 3400
Chicago IL 60610

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 2 U.S. Government Defendant
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- Transferred from
- ☐ 5 another district (specify)
- ☐ 6 Multidistrict Litigation
- Appeal to District Judge from
- ☐ Magistrate Judgment

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

29 U.S.C. § 200 et seq.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE

8/1/02

SIGNATURE OF ATTORNEY OF RECORD

Jamie M. Halenich

1-2

DOCKETED

AUG 02 2002

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDGE NORDBERG

In the Matter of

ALEJANDRA SANCHEZ, et al. Individually

v.

STAMPEDE MEAT, INC. et al.

Case Number:

02C 5452

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

STAMPEDE MEAT, INC. and EDWARD LIGAS, individually

(A)	(B)
SIGNATURE <i>Michael E. Barry/gmh</i>	SIGNATURE <i>Alan S. King/gmh</i>
NAME Michael E. Barry	NAME Alan S. King
FIRM Gardner, Carton & Douglas	FIRM Gardner, Carton & Douglas
STREET ADDRESS 321 N. Clark St., Suite 3400	STREET ADDRESS 321 N. Clark St., Suite 3400
CITY/STATE/ZIP Chicago, IL 60610-4795	CITY/STATE/ZIP Chicago, IL 60610-4795
TELEPHONE NUMBER (312) 644-3000	TELEPHONE NUMBER (312) 644-3000
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 3121539	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6198223
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(C)	(D)
SIGNATURE <i>John T. Roache</i>	SIGNATURE <i>Jamie M. Haberichter</i>
NAME John T. Roache	NAME Jamie M. Haberichter
FIRM Gardner, Carton & Douglas	FIRM Gardner, Carton & Douglas
STREET ADDRESS 321 N. Clark St., Suite 3400	STREET ADDRESS 321 N. Clark St., Suite 3400
CITY/STATE/ZIP Chicago, IL 60610-4795	CITY/STATE/ZIP Chicago, IL 60610-4795
TELEPHONE NUMBER (312) 644-3000	TELEPHONE NUMBER (312) 644-3000
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6216752	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6257792
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

1-3